

Jan 13, 2025

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

OREGON SURF and DAN GENE
VERHAAG, SR.,

Plaintiff,

v.

WASHINGTON STATE PATROL,

Defendant.

No. 2:24-CV-0333-JAG

ORDER DISMISSING
WITHOUT PREJUDICE

Before the Court is Plaintiff's Motion to Reconsider denial of Oregon Surf's application to proceed *in forma pauperis*. ECF No. 14. Plaintiff Verhaag requests that the Court authorize in forma pauperis filing because he is the sole proprietor of Oregon Surf and lacks sufficient funds to pay the filing fee. As the Court noted in the Order Denying Application to Proceed In Forma Pauperis:

Pursuant to 28 U.S.C. § 1915(a)(1) "any court of the United States may authorize the commencement, prosecution, or defense of any suit, action or proceeding, civil or criminal or appeal therein, without prepayment of fees or security therefor, by a *person* who submits an affidavit that includes a statement of all assets such that [that person] is unable to pay such fees. . ." (emphasis added). Corporations are not entitled to in forma pauperis filing. *FDM Mfg. Co., Inc. v. Scottsdale Ins. Co.* 855 F.2d 213, 214 (5th Cir. 1988), ("[C]orporations are not entitled to sue or appeal in forma pauperis." *Atlantic S.S. Corp. v. Kelley*, 79 F.2d 339, 340 (5th Cir.1935). "The corporation may not succeed in this motion [for IFP status], for it is not a citizen." *Quittner v. Motion Picture Producers & Distributors of Am.*, 70 F.2d 331, 332 (2d Cir.1934).

ECF No. 8. The Application only shows Oregon Surf as an applicant, not Plaintiff Verhaag, but even were the Court to consider the application as that of Plaintiff

1 Verhaag only, the income attested to in the Application exceeds the threshold for
2 *in forma pauperis* filing. ECF No. 3.

3 The Court further notes that Oregon Surf remains unrepresented. Local
4 Civil Rule 83.6 prohibits any entity other than a natural person from appearing
5 pro se. Oregon Surf must be represented by counsel.

6 Plaintiff was directed to pay the full filing fee within thirty days or the case
7 would be dismissed. ECF No. 8. Plaintiff's Motion to Reconsider, **ECF No. 14**, is
8 **DENIED**. As Plaintiff has not paid the filing fee, the case is **DISMISSED**
9 **WIHOUT PREJUDICE**. All pending motions are **denied as moot**.

10 **IT IS SO ORDERED**. The District Court Executive shall provide copies to
11 counsel for Defendant and *pro se* Plaintiff and **CLOSE** the case.

12 DATED January 13, 2025.



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A handwritten signature in blue ink that reads "James A. Goeke".

JAMES A. GOEKE
UNITED STATES MAGISTRATE JUDGE